

## **REMARKS**

The Office Action of May 4, 2005, has been carefully considered. Paragraph 0021 has been amended to replace "7B" with "7C". Paragraphs 0034A and 0034B have been inserted between paragraphs 0034 and 0035 to provide brief descriptions of FIGS. 13A and 13B. Paragraph 0040 has been amended to replace "convertible frame 26" with "convertible frame 24". Paragraph 0046 has been amended by appending "A side plate brace 38b runs between side plates 38," to the end of the original paragraph. Paragraph 0052 has been amended to correct a typographical error wherein "display 50" and been replaced in three places by "display 60." Paragraph 0053 has been amended to replace "handle 36" with "handle 26". The Applicant believes that no new matter has been introduced.

Claim 1 has been amended to include a limitation that the wheels are connected to the axles so that they may be set to rotate freely on the axles or to be fixed to the axles so that they do not rotate with respect to the axles, as was described in the original Claim 2. Claim 11 has been amended to include a limitation that a portion of the powering assembly reside outside the radius of the wheels, as shown in the original FIGS. 4A and 5. Claim 19 has been amended to include a limitation of "a speed control communicating wirelessly with the motor controller". Such wireless communication is described in paragraph 0054 of the original specification. Claim 20 has been amended to further describe the motor as fixedly attached proximal to a nose of the frame, and a convertible frame which is configurable to be parallel to the frame for a two wheel mode, and perpendicular to the frame for a platform mode, with castor wheels attached to the convertible frame.

## **Objections to Drawings**

The Office Action objected to the absence of a mention of element numerals "38b" and "60" in the specification. The reference number "50" on paragraph 0052 has

been corrected to "60" and a sentence has been appended to paragraph 0046 to reference the side plate brace 38b shown in the original FIGS. 8 and 8A.

The Office Action further objected to the absence of the numeral 50 in the drawings. The reference to the numeral 50 in paragraph 0052 has been corrected to the numeral 60. The Applicant believes that the objections to the drawings have been addressed, and respectfully requests that the Examiner withdraw the objections to the drawings.

### **Objections to the Specification**

The Office Action objected to a typographical error in paragraph 0021 wherein "7B" should have been "7C". Paragraph 0021 has been amended to correctly recite "7C".

The Office Action objected to the absence of brief descriptions of FIGS. 13A and 13B. New paragraphs 0034A and 0034B have been inserted between paragraphs 0034 and 0035.

The Office Action objected to a typographical error in paragraph 0052 wherein "56" should have been "58". Paragraph 0052 has been amended to correctly recite "58".

The Office Action objected to a typographical error in paragraph 0053 wherein "36" should have been "26". Paragraph 0053 has been amended to correctly recite "26".

The Office Action objected to a typographical error in paragraph 0053 wherein "36" should have been "36a". The speed control 36 is described as a finger control (wig-wag) type switch in the original specification and shown in FIGS. 9, 10A, and 10B. The hi/low speed switch 36a is a separate switch for selecting a speed range, and is distinct from the speed control 36.

The specification has been amended to correct the errors pointed out by the Examiner. In the case of the speed control 36, the Applicant believes that the original

description is correct. The Applicant believes that the objections to the specification have been addressed, and respectfully requests that the Examiner withdraw the objections to the specification.

### **Rejections Based on 35 USC § 112**

The Office Action rejected Claims 12-13 under 35USC § 112 as being indefinite. A typographical error in Claim 12 is herein amended wherein "side rails" is replaced with "side plates." Side plates are recited in the original Claim 11 and are described in the original specification and drawings as element number 38. The Applicant believes that Claims 12 and 13 are now definite and respectfully requests that the Examiner withdraw this rejection and advance Claims 12 and 13 toward allowance.

### **Rejections Based on 35 USC § 102**

The examiner has rejected Claims 1, 2, 4, 5, 11, 12, 14, and 19 under 35 USC § 102 as anticipated by Mitchell (US 6,793,236). The Applicant respectfully traverses the rejection of Claim 2. Claim 2 recites:

"the wheels are connected to the axles so that they may be set to rotate freely on the axles or to be fixed to the axles so that they do not rotate with respect to the axles"

The cart described in Mitchell in column 2 lines 33-34 includes:

"A pair of wheels 34 and 36 are fixedly secured to an axle 38"

Thus Mitchell describes wheels "fixedly attached" to the axle, and does not describe wheels as in Claim 2:

"connected to the axles so that they may be set to rotate freely on the axles or to be fixed to the axles so that they do not rotate with respect to the axles"

The limitations in the original Claim 2 have been added to Claim 1. Because the Applicant believes that the original Claim 2 contained patentable subject matter, the Applicant believes that the amended Claim 1 is in condition for allowance, and respectfully requests that the Examiner withdraw the rejection based on Mitchell and advance Claim 1 toward allowance.

Claim 11 has been amended to include:

"a portion of the powering assembly resides outside the radius of the wheels"

Mitchell does not describe a powering assembly, a portion of which resides outside the radius of the wheels. The Applicant therefore believes that the amended Claim 11 is in condition for allowance, and respectfully requests that the Examiner withdraw the rejection based on Mitchell and advance Claim 11 toward allowance.

Claims 4, 5, 11, 12, and 14 depend from Claim 1, and because Applicant believes that Claim 1 is now in condition for allowance, Applicant respectfully requests that the Examiner withdraw the rejection based on Mitchell and advance Claims 4, 5, 11, 12, and 14 toward allowance.

Claim 19 has been amended to include a limitation of "a speed control communicating wirelessly with the motor controller". Such wireless communication is described in paragraph 0054 of the original specification. Applicant believes that the amended Claim 19 is in condition for allowance, and respectfully requests that the Examiner withdraw the rejection based on Mitchell and advance Claim 19 toward allowance.

Claim 2 has been cancelled.

The Examiner rejected Claim 20 under 35USC § 102 as anticipated by Kratzenberg (US 6,276,471). Claim 20 has been amended to further describe the motor as fixedly attached proximal to a nose of the frame, and a convertible frame which is configurable to be parallel to the frame for a two wheel mode, and perpendicular to the frame for a platform mode, with castor wheels attached to the convertible frame. Kratzenberg describes a cart with powered wheels near a handle end, and caster wheels attached to the frame opposite the powered wheels. Because Kratzenberg does not describe all of the limitations of the amended Claim 20, the Applicant believes that the amended Claim 20 is in condition for allowance, and respectfully requests that the Examiner withdraw the rejection based on Kratzenberg and advance Claim 20 toward allowance.

### **Rejections Based on 35 USC § 103**

The examiner has rejected Claims 6-10 and 15 under 35USC § 103(a) as being unpatentable over Mitchell. Applicant believes that the amended Claim 1 is in condition for allowance. Because Claims 6-10 and 15 depend from Claim 1, the Applicant also believes that Claims 6-10 and 15 are in condition for allowance and respectfully requests that the Examiner withdraw the rejection based on Mitchell and advance Claims 6-10 and 15 toward allowance.

The examiner has rejected Claims 13 under 35USC § 103(a) as being unpatentable over Mitchell in view of Law. Applicant believes that the amended Claim 1 is in condition for allowance. Because Claim 13 depend from Claim 1, the Applicant also believes that Claim 13 is in condition for allowance and respectfully requests that the Examiner withdraw the rejection based on Mitchell in view of Law and advance Claims 13 toward allowance.

The examiner has rejected Claims 1 and 17 under 35USC § 103(a) as unpatentable over Kratzenberg in view of Mitchell. Applicant believes that the amended Claim 1 is in condition for allowance, as pointed out above, and respectfully requests that the Examiner withdraw the rejection based on Kratzenberg in view of Mitchell and advance Claim 1 toward allowance.

Claim 17 has been cancelled.

## CONCLUSIONS

Claims 1, 3-16, and 18-20 remain pending in the application. New Claims 21 and 22 have been added. Claims 1, 11, 19, and 20 have been amended to overcome the rejections in the Office Action mailed September 14, 2005. The Applicant respectfully requests that the Examiner advance Claims 1, 3-16, and 18-22 to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K L Green', followed by a horizontal line extending to the right.

Kenneth L. Green

Attorney for Applicant

Reg. No. 44,724

Averill & Varn  
8244 Painter Avenue  
Whittier, CA 90602  
(562) 698-8039